

**EMPLOYMENT APPEALS TRIBUNAL**

**APPEAL(S) OF:**

Employee

**CASE NO.**

MN599/2009

RP611/2009

WT258/2009

*- appellant*

against

Employer

*- respondent*

under

**MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005  
ORGANISATION OF WORKING TIME ACT, 1997  
REDUNDANCY PAYMENTS ACTS, 1967 TO 2007**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Mr M. Gilvarry

Members: Mr. D. Morrison  
Ms. R. Kerrigan

heard this appeal at Letterkenny on 26th June 2009

**Representation:**

Appellant(s) : In Person

Respondent(s) : In Person

The decision of the Tribunal was as follows:-

**Background:**

The appellant confirmed his commencement and termination dates and his gross weekly wage. The owner told him on December 11<sup>th</sup> 2008 that there was no more work for him. He received his P45 the following day.

The owner of the respondent company stated that he had told his staff that there was no more work for them at that time. He gave the appellant his P45 in order he could claim social welfare benefit.

**Determination:**

The Tribunal after considering all the evidence concluded that the issuing by the respondent of the P45 to the appellant constituted a dismissal of the employee and as there was no more work for him at the time of his dismissal the Tribunal finds it was by reason of redundancy.

The Tribunal determines that the appellant is entitled to a redundancy lump sum payment under the Redundancy Payments Acts, 1967 to 2007 based on his continuous service and the following information:

Date of Birth:	12 May 1977
Date of Commencement:	02 February 2005
Date of Termination:	11 December 2008
Gross weekly pay:	€ 350.00

This award is made subject to the appellant having been in insurable employment under the Social Welfare Acts during the relevant period.

Loss having been established, the Tribunal allows the appeal under the Minimum Notice and Terms of Employment Acts, 1973 to 2005 and awards the sum of € 700.00, this being two weeks gross wages.

The appellant is furthermore awarded the sum of € 350.00 under the Organisation of Working Time Act, 1997 as the Tribunal is satisfied that the appellant did not receive one weeks holiday entitlement.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

(Sgd.) \_\_\_\_\_  
(CHAIRMAN)